



A NON-PROFIT CORPORATION
311 California Street, Suite 510
San Francisco, California 94104
www.asyousow.org

April 6, 2005

NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.

Dear Public Enforcement Agencies:

As You Sow ("AYS") is a non-profit foundation organized under California's Non-Profit Public Benefit Corporation Law. AYS is dedicated to, among other causes, the protection of the environment, the promotion of human health, the improvement of worker and consumer safety, and environmental education.

AYS has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code §25249.5 *et seq.* This letter serves to provide AYS' notification of these violations to the public enforcement agencies and to the violator. Pursuant to §25249.7(d) of the statute, AYS intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

Alleged violator. The name of the violator covered by this notice is **IRWIN NATURALS** doing business as **NATURE'S SECRET** ("Irwin").

Chemicals. These violations involve exposures to lead, lead compounds, mercury, mercury compounds, arsenic, cadmium and cadmium compounds from the products listed below. On February 27, 1987, the State of California officially listed lead as a chemical known to cause reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer. On July 1, 1990, the State of California officially listed mercury and mercury compounds as chemicals known to cause reproductive toxicity. On May 1, 1997, the State of California officially listed arsenic (inorganic oxides) as a chemical known to cause reproductive toxicity. On February 27, 1987, the State of California officially listed cadmium and cadmium compounds as chemicals known to cause cancer. On May 1, 1997, the State of California officially listed cadmium as a chemical known to cause reproductive toxicity.

Consumer products. The products that are the subject of this notice are herbs and herbal products, traditional patent medicines, bulk herbs, infusions, extracted powders, tea pills,



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traditional pills, patent formulas, bulk teas, liquid extracts and/or capsules that are imported, exported, manufactured, packaged, distributed, marketed and/or sold by Irwin. The phrase "traditional patent medicines" above is used herein as defined by the California Department of Health Services: "herbal and patent medicines consisting of single or multiple herbal ingredients, including botanical, mineral and animal products, formulated into tablets, pills, powders and liquids." The products that are the subject of this notice are listed in Exhibit A, attached hereto.

Route of exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and use of these products as recommended by the manufacturer. Accordingly, the consumer exposures have occurred and continue to occur primarily through the ingestion exposure route, but also may occur through inhalation and/or and dermal contact.

Duration of violations. These ongoing violations has occurred on every day since the products have been sold in California and will continue every day until clear and reasonable warnings are provided or until these known toxic chemicals are removed from the products.

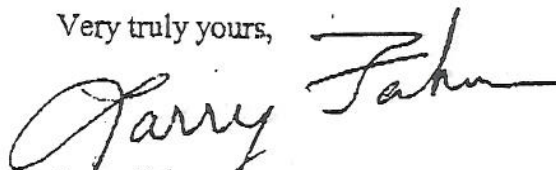
This notice of violation supplements the previous notice issued by AYS against Irwin on December 23, 2003.

Pursuant to Title 11, C.C.R. § 3100, a certificate of merit is attached hereto.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, AYS is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this notice to AYS' counsel in this matter:

Andrew L. Packard, Esq.
Law Offices of Andrew L. Packard
294 Page Street
San Francisco, CA 94102
Tel. (415) 431-2970 Fax (415) 431-0410

Very truly yours,



Larry Fahn
Executive Director

Enclosure

Exhibit A
Irwin Naturals, Inc. Products

Ultimate B
Ultimate Green
Ultimate Fiber
Ultimate Oil
Ultimate Cleanse
Supercleanse
Multi Herb, Economy
Multi Fiber, Economy
Fulfill Chocolate
Fulfill Vanilla
Burnmore, Ultimate Weight Loss
Craveless, Ultimate Weight Loss
Ultimate Weight Loss Combo
Ultimate Multi Plus
Candistroy, Candida, Part I & II
Rezyme, Enzyme, Parts I & II
Economy Supercleanse
Ultimate Energy
Doctor's Choice Diet & Cleanse
Parastroy Combo
Ultimate Liver Cleanse
Ultimate Respiratory Cleanse
Ultimate Urinary Cleanse
Estrogenesis
Veroxin 7
Ultimate Fasting Cleanse Kit
Adv. Ginkgo Smart
Steel Libido
Adv. Ginza Plus
Adv. Yohimbe Plus
Immuno-Shield
3-IN-1 Joint Form
Triple Boost
EstroPause
Prosta- Strong
Sys-Six w/Xen
Sys-Six w/Xen
Sys-Six Ripped Man

Female Steel Libido
Green Tea
Inholtra Lubri Joint
Grapefruit Diet
Carb block max strength
Cortisol Appetite Control
Multi Vitamin Herbal
Vitamin C
Calcium Complex
Antioxidant
Ester-C
Six-Way Cleanse Combo
Diet System 6 for Men
Grapefruit Diet
Bars (various flavors)
Adv. Diet System 6 (Xenedrol)
Green Tea Diet, Ephedra Free
Carbo Blocker
Libido Max
Cortisol Hunger Control
Cortisol Appetite Control
Carbo Blocker
Dual Action Cleanse
Perfect Fiber
Energy Burst
Dual Action Cortisol
Essential Oil Health
8 in 1 Multi
Pain Relief Roll on
Triple Action Joint Formula
Liquid Gel Carb interceptor
Cosmeceutical Wrinkle Cure
Super II
B Formula
Super Green Formula
Fiber Formula
Essential Oil Formula
Multi Cleanse Formula
Colon Formula
Para-Control
Urinary Cleanse
Hepatic Cleanse
Respiratory Cleanse

Joint Support Formula
Male Potency Formula
Multi Herb Formula, Economy
Multi Fiber Formula, Economy
Cholesterol Support
Full Formula Chocolate
Multi Plus Formula
Candida Program
Digestive Rebuilding Program
Weight control
Probiotic Formula

CERTIFICATE OF MERIT

(Notice of Proposition 65 Violation on Irwin Naturals
doing business as Nature's Secret)

I, Andrew L. Packard, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party in the notice has violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings.


2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and that the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: April 5, 2005



Andrew L. Packard

Attachments (for Attorney General copy only)

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is: 311 California Street, Suite 510, San Francisco, California 94104.

On April 6, 2005, I served the following documents:

- Notice of Violation of California Health & Safety Code § 25249.5 et seq., including Exhibit A
- Certificate of Merit
- "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Irwin Naturals doing business as Nature's Secret
Klee Irwin, CEO
5310 Beethoven Street
Los Angeles, CA 90066

On April 6, 2005, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq., including Exhibit A
- Certificate of Merit, including Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:


Attn: Ed Weil, Deputy Attorney General
Office of the Attorney General
1515 Clay Street, Suite 125
P.O. Box 70550
Oakland, CA 94612-0550

On April 6, 2005, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq., including Exhibit A
- Certificate of Merit

on each of the parties on the service list attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto, and depositing it at United States Postal Service mail box for delivery by First Class Mail.

Executed on April 6, 2005, at San Francisco, California


Karalyn P. Buchner

PUBLIC ENFORCEMENT AGENCIES SERVICE LIST (updated 03/25/04)

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